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1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 647 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act establishing requirements for warning
8 placards and for municipal reporting programs for
9 hazardous materials and hazardous waste; and provid-
10 ing for an effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to
14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;
17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;
21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and
23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.
25 * Sec. 2. AS 18.70 is amended by adding a new section to read:
26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire protection, in accordance with regu-
lations adopted by the department under this section.

1 (b) The Department of Public Safety, division of fire preven-
2 tion, shall adopt a design for warning placards for hazardous mater-
3 ials and hazardous wastes in conjunction with the Department of Labor
4 and the Department of Environmental Conservation.

5 (c) The Department of Public Safety shall adopt regulations for
6 the posting of placards that will give adequate warning to the public
7 and to emergency response personnel of the type and location of hazar-
8 dous materials and hazardous wastes.

9 (d) The Department of Public Safety may impose appropriate fees
10 to fully or partially compensate for the costs of enforcement of, and
11 placards provided under, this section.

12 (e) In this section, "hazardous material" and "hazardous waste"
13 have the meanings given in AS 29.35.590.

14 * Sec. 3. AS 29.35 is amended by adding new sections to read:

15 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

16 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
17 a program for the reporting of hazardous materials and hazardous
18 wastes shall require a business or a government agency that handles
19 hazardous materials or hazardous wastes to submit to a designated
20 person or office of the municipality, on a form provided by the
21 Department of Public Safety, division of fire prevention, an inventory
22 of the hazardous materials and hazardous wastes the person handles.

23 (b) An inventory required under this section shall include at
24 least the following information about each of the hazardous materials
25 and hazardous wastes that the business or government agency handles:

- 26 (1) hazard class;
27 (2) maximum estimated quantity;
28 (3) location;
29 (4) method of disposal.

1 (c) A business or government agency required to submit an inven-
2 tory under this section shall submit the first inventory within 30
3 days after the municipality's reporting requirements take effect or
4 within 30 days after beginning to handle the hazardous materials or
5 hazardous wastes. Thereafter, the business or government agency shall
6 submit an inventory annually.

7 (d) A municipality that establishes a program for the reporting
8 of hazardous materials and hazardous wastes shall also require a
9 business or government agency that handles hazardous materials or
10 hazardous wastes to report

11 (1) significant change in the location of hazardous mate-
12 rials or hazardous wastes within 24 hours after moving the materials
13 or wastes; and

14 (2) additions of hazardous materials or hazardous wastes
15 within 30 days after the addition is made.

16 (e) A municipality that establishes a program for the reporting
17 of hazardous materials and hazardous wastes may require a business or
18 government agency that handles hazardous materials or hazardous wastes
19 to submit a federal Occupational Safety and Health Administration
20 (OSHA) form 20 (Material Data Safety Sheet) or equivalent information
21 for each of the materials or wastes handled.

22 (f) The requirements of this section may be imposed by a munic-
23 ipality on a business or government agency that handles hazardous
24 materials or hazardous wastes outside of the boundaries of the munic-
25 ipality if a fire or other emergency involving the materials or wastes
26 would be

27 (1) likely to adversely affect persons or property in the
28 municipality; or

29 (2) responded to by emergency response personnel whose

1 service area includes all or a part of the municipality.

2 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
3 conduct inspections, and establish and impose penalties, necessary to
4 ensure compliance with reporting requirements adopted under AS 29.35.-
5 500 and placarding requirements adopted under AS 18.70.310.

6 Sec. 29.35.520. FEES. A municipality may impose appropriate
7 fees to fully or partially compensate for the cost of processing
8 reports and administering inspections under AS 29.35.500 - 29.35.510.

9 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
10 Department of Public Safety, division of fire prevention, at the
11 request of a business or government agency required to submit an
12 inventory under AS 29.35.500 or of a municipality, shall provide

13 (1) a descriptive summary of the hazardous materials and
14 hazardous wastes that are required to be included in an inventory; and

15 (2) inventory forms.

16 (b) The division of fire prevention, at the request of a busi-
17 ness or government agency required to submit an inventory under
18 AS 29.35.500 or of a municipality, shall provide a list containing the
19 chemical identity, product names, and common names of the hazardous
20 materials and hazardous wastes that are required to be included in an
21 inventory.

22 (c) The division of fire prevention may

23 (1) request copies of inventories submitted under AS 29.-
24 35.500; and

25 (2) provide educational materials related to hazardous
26 materials and hazardous wastes.

27 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
28 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
29 530 shall be made readily available to the public for inspection and

1 copying.

2 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

3 (1) "acutely hazardous waste" means a waste listed by the
4 administrator of the Environmental Protection Agency in accordance
5 with the criteria in 40 C.F.R. 261.11(a)(2);

6 (2) "handles" includes disposes of, generates, processes,
7 stores, treats, and uses;

8 (3) "hazard class" means a class of hazardous substance
9 under 49 C.F.R. 172.101(d);

10 (4) "hazardous material" means a toxic or hazardous materi-
11 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
12 stance determined by the division of fire prevention to pose a signif-
13 icant health and safety hazard; "hazardous material" does not include
14 consumer commodities in quantities of 1,000 pounds or less, or food,
15 drugs, cosmetics, tobacco, or tobacco products intended for personal
16 consumption; except for the hazard classes of "Poison A," "Poison B,"
17 "Class A Explosive," "Class B Explosive," "Flammable Solid (Dangerous
18 When Wet)," and "radioactive," "hazardous material" does not include
19 an aggregate quantity of hazardous materials, handled at any one time
20 and place, of 500 pounds or less per hazard class, and an aggregate
21 quantity for all hazard classes of 1,000 pounds or less;

22 (5) "hazardous waste" has the meaning given in 49 C.F.R.
23 171.8; "hazardous waste" does not include an acutely hazardous waste
24 in a quantity less than 2.2 pounds or another waste in a quantity
25 less than 220 pounds;

26 (6) "quantity" means the total amount of a material or
27 waste handled at a time and includes the aggregate of a material or
28 waste that is divided among multiple containers.

29 * Sec. 4. This Act takes effect January 1, 1987.